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MEMO ENDORSED

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September 8, 2023

BY ECF

Honorable Barbara C. Moses
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Pablo E. Melendez v. New York City Health and Hospitals, et al.,
21-CV-9163 (GHW) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants City of New York, New York City Health and Hospitals, and Correction Officer Guity (collectively, "Defendants") in the above-referenced matter. Defendants respectfully write jointly with Plaintiff to request an extension of time, from September 8, 2023, to October 1, 2023, for either (a) the parties to stipulate to permitting Plaintiff to file a Second Amended Complaint ("SAC") and set a schedule for Defendants to answer, or (b) Plaintiff move for leave to amend.

This is the parties' first request for an extension of time to (a) stipulate to permitting Plaintiff to file the SAC and set a schedule for Defendants to answer, or (b) Plaintiff move for leave to amend.

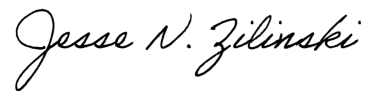
By way of relevant background, on August 24, 2023, the parties filed a joint letter stating, *inter alia*, that the parties were still in the process of identifying the John and Jane Doe defendants, and therefore, sought more time to identify those defendants to potentially add to the SAC in order to avoid the filing of a Third Amended Complaint. (See ECF No. 52.) The Court endorsed the joint letter and ordered either (a) the parties to stipulate to the filing of the SAC and set a schedule for briefing or answering, or (b) Plaintiff file a motion for leave to amend by September 8, 2023. (See ECF No. 53.)

The reason for this request is that two John and Jane Doe defendants still remain unidentified. Thus, were the parties to stipulate to the filing of the SAC or Plaintiff to move for leave to amend, it is likely that a Third Amended Complaint would need to be filed once the remaining two John and Jane Does are identified. An extension of time would avoid this, save the Court and parties time and resources, and promote judicial efficiency.

Thus, Defendants and Plaintiff respectfully request an extension of time, from September 8, 2023, to October 1, 2023, for either (a) the parties to stipulate to the filing of a SAC and set a schedule for Defendants to answer, or (b) Plaintiff move for leave to amend.

Thank you for your consideration herein.

Respectfully submitted,



Jesse N. Zilinski
Assistant Corporation Counsel
Special Federal Litigation Division

CC: **BY ECF**
Alexis Padilla, Esq.
Attorney for Plaintiff

Application GRANTED. SO ORDERED.



Barbara Moses
United States Magistrate Judge
September 12, 2023